

W/O

**SUPERIOR COURT, STATE OF ARIZONA, IN AND FOR THE COUNTY OF YAVAPAI**

<b>STATE OF ARIZONA</b> <b>(Plaintiff)</b>  <b>vs.</b>  <b>STEVEN CARROLL DEMOCKER</b> <b>(Defendant)</b>	<b>Case No. P1300CR20081339</b>  <b>ORDER re: Defendant's Motion for Re-Examination of Conditions of Release</b>	<b>FILED</b> <b>NOV 24 2009</b>  <b>DATE:</b> <u>10</u> O'Clock <u>A</u> M.  <b>JEANNE HICKS, CLERK</b>  <b>BY:</b> <u>SHEETAL PATEL</u>  <b>Deputy</b>
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<b>HONORABLE Thomas B. Lindberg</b>	<b>BY: Robin Gearhart / Judicial Assistant Division Six</b>
<b>DIVISION SIX</b>	<b>DATE: November 21<sup>st</sup>, 2009</b>

This Court in the above-captioned case conducted a *Simpson* evidentiary hearing, and denied the State's request to hold the Defendant non-bondable, in a ruling issued January 22, 2009, and the Court then ordered that bail be set in the amount of \$2,500,000 to assure the Defendant's appearance.

Thereafter, on January 28, 2009, Defendant Steven Democker, through counsel, filed a Motion for Re-Examination of Conditions of Release. The State filed a response on February 9, 2009. A reply was filed February 17, 2009. At a hearing on March 10, 2009, the Court heard argument on the issue and took the matter under advisement. The motion was denied in an Order which was issued on April 30, 2009.

The Defendant then filed another Motion for Re-Examination of Conditions of Release on August 26, 2009. A hearing was conducted on September 22, 2009 and the issue was then taken under advisement. The State in a response dated September 2, 2009 opposed the motion. The Defendant filed a reply regarding this motion on September 10, 2009. Subsequently, on November 17, 2009, the Court heard from two of the listed victims (the children of both the decedent and Defendant) who supported the release of the Defendant. (Two other victims, the mother and the brother of the deceased, opposed release according to the prosecution.) The Court heard additional argument on November 20, 2009.

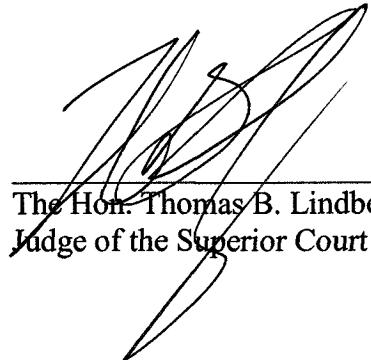
The Court has considered all of the moving and responding papers, arguments and alternatives proposed, and the Court is cognizant of the evidence and testimony presented at the earlier hearings in the case. The Court has also considered Ariz. R. Crim. P., Rule 7.4(b) and A.R.S. section 13-3967. The Court has also now heard a probable cause hearing concerning the allegation of aggravating factors for the potential penalty phase should

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AFTER 2 P.M.

there be a conviction on the homicide charge. There is no good cause for further deliberation nor is there any reason why a ruling should not now be entered.

**IT IS ORDERED** that the Defendant's Motion for Re-Examination of Conditions of Release is **denied**.

DATED this 21<sup>st</sup> day of November, 2009.



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The Hon. Thomas B. Lindberg  
Judge of the Superior Court / Division 6

cc: Joseph C. Butner III, Esq., Office of the Yavapai County Attorney (**via facsimile this date to 928-771-3110**)  
John M. Sears, Esq., 107 North Cortez Street, Suite 104, Prescott, Arizona 86301 (**via facsimile this date to 928-445-1472**)  
Larry A. Hammond, Esq., Anne M. Chapman, Esq., Osborn Maledon, P.A., 2929 North Central Avenue, 21<sup>st</sup> Floor, Phoenix, Arizona 85012-2793 (**via facsimile this date to 602-640-6076**)  
Office of the Yavapai County Public Defender (**via facsimile this date to 928-771-3413**)  
Victim Services: **Attn. Marie Martinez**